

# **EXHIBIT L**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

CATHERINE L. DAVIS and )  
TOMMY MOORE, )  
individually, and on )  
behalf of others )  
similarly situated, )

Plaintiffs, )

-vs- )

) No. 5L07-cv-01401-W

DELL, INC., d/b/a DELL )  
COMPUTER, INC., DELL )  
USA L.P., and DELL )  
MARKETING L.P., )

Defendants. )



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REPORTING & VIDEO, INC.



DEPOSITION OF MICHELLE RICKETTS

TAKEN ON BEHALF OF THE DEFENDANTS

IN OKLAHOMA CITY, OKLAHOMA

ON OCTOBER 15, 2008

REPORTED BY: KASEY D. EGELSTON, CSR

1 A Yeah. On the Dell network.

2 Q Then you would go in and put in, "I  
3 came in at 8:00 and left at 5:00"?

4 A Well, most generally how we did it, at  
5 the beginning of the pay period, we would go in  
6 and put our schedule -- whatever our schedule  
7 was, 8:00 to 5:00, 9:00 to 6:00, just to make  
8 sure that we got paid. Because if it wasn't  
9 in --

10 Q You wouldn't get paid?

11 A Correct.

12 Q Then if you worked -- came in early or  
13 left late, you would go in and make an  
14 adjustment?

15 A Correct.

16 Q You were the one who was totally  
17 responsible for doing that?

18 A Correct.

19 Q And then what was the procedure -- once  
20 you had put the time in, what happened next with  
21 it?

22 A Assuming that Kronos -- there was no  
23 errors, it would go to the manager, and then I'm  
24 not sure where it went from there.

25 Q Okay.

1       A    Not me, no. I couldn't, because I  
2   didn't have access that way through Kronos. My  
3   manager or somebody else would have to. There  
4   was no way of getting around an hour out of  
5   lunch.

6       Q    So you couldn't go in -- and there  
7   wasn't an override?

8       A    Correct.

9       Q    Did you ever ask anyone about "Is there  
10  an override process?"

11      A    No. I just told my manager, "Hey, I  
12  didn't take a lunch." Or my manager knew I  
13  didn't take a lunch. He would go get us lunch,  
14  bring it to us. He knew we weren't taking a  
15  lunch.

16      Q    So he would then fix it?

17      A    Assuming he did, yeah.

18      Q    Would you have the ability to go in and  
19  look at it and see whether he had fixed it or  
20  not?

21      A    I don't recall. I don't know how it  
22  would have -- I don't know how he would have  
23  added an extra hour, unless the cumulative would  
24  have upped an hour.

25           I never really paid attention. I just

1 took his word for it.

2 Q As far as you know, he was taking care  
3 of it?

4 A Correct.

5 Q And then on page four, Dell-Davis 487,  
6 recording time away, such as vacation, PBA, that  
7 was your responsibility too?

8 A Correct. And pay code.

9 Q Was that a dropdown box? Is that how  
10 it worked?

11 A Correct.

12 Q You were responsible for making sure  
13 that it was paid? -- I mean that the right one  
14 was put in?

15 A Yes.

16 Q Then if you look at the scenario,  
17 Dell-Davis 488, is the page scenario one:  
18 "Reginald has a scheduled shift of 8:00 a.m. to  
19 5:00 p.m. Today Reginald came into work at  
20 7:30, left the office at 6:00. He took a  
21 45-minute lunch at noon. What should Reginald's  
22 timecard look like for Monday?"

23 Under that scenario, what would the  
24 timecard end up looking like, as far as you  
25 know? -- how you would do it?

1 A Yes.

2 Q It's been a while.

3 And the base pay was a hourly rate or a  
4 salary -- and you were paid salary?

5 A Salary, nonexempt.

6 Q Right.

7 And paid for job performed, paid every  
8 two weeks.

9 And that was guaranteed or fixed;  
10 correct?

11 A Correct.

12 Q And then target incentive pay had two  
13 parts: Commission and stacks?

14 A Correct.

15 Q Was that -- did that ever change while  
16 you were there or was it always commissions and  
17 stacks?

18 A It was always commissions and stacks.  
19 SPIFs got played in there somewhere.

20 Q Okay. What are SPIFs?

21 A Certain incentives that went on  
22 throughout the month -- like, with leasing,  
23 printers, just certain things.

24 Q So they would be over and above either  
25 your base pay or your commission pay?